

## **EIA Determination Overturned**

A pre application EIA screening requested was submitted to the Department of the Environment for Northern Ireland, Strategic Planning Division (the Department) for a 2.5 hectare extension to an existing limestone quarry in Kilwaughter, Co. Antrim. The appeal site and existing quarry was located within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB), within Kilwaughter Historic Park, Garden and Demesne and in close proximity to the Antrim Hills and Larne Lough Special Protection Areas (SPA) – European designated sites.

The Department determined that a planning application for the extension would be required to be accompanied by an environmental statement (ES) to address the likely significant impacts on landscape and visual impact issues, impacts the AONB, impacts on the SPAs.

The Applicant sought to have the determination reviewed by the Planning Appeals Commission (the Commission). The Commission upheld the Appellant’s viewpoint and recommended to the Department that it withdraw its determination that an ES was required.

## **Nature Conservation Issues**

The appeal site represented a 2.5 hectare extension to an existing c. 20 hectare limestone quarry. The Commission noted that the two SPAs were in place at the time when a previous c. 12.5 hectare application was made to the Department over c. 5 years ago. The Department granted planning permission for the 12.5 hectare application area. Development is ongoing in this area. No tangible impacts have occurred. The Commission advised that in these circumstances the precautionary principle does not apply because the risk has been quantified and found not to be significant.

The Department introduced an issued during the hearing regarding the remains of what it described as “ancient woodland” and emergent species within the quarry site. Evidence provided by the Appellant demonstrated that the ancient woodland was felled decades ago and the emergent species were actually trees planted by the Appellant as part of the 12.5 hectare extension permission. The trees were planted in locations agreed with the Department and

approved as part of the phased restoration to try and recreate some of the lost historic “shelter belt” woodland.

## **AONB**

The Commission advised that the site represents a small portion of the AONB. The quarry is an existing feature within the AONB. The impact on the AONB is not significant.

The setting of the castle and historic demesne is not compromised. The extension is no closer to the castle than the approved operational area.

Following consideration of the issues that were claimed to be likely to have significant effects on the environment, the Commission concluded that there was no requirement for the application to be accompanied by an ES.

**Comment:** Tangible impacts were not considered by the Department when making their determination. The planning history, which included planning permission for a 12.5 hectare extension in 2006 (which was accompanied by an ES), was also not considered in detail. Matters pertaining to the discharge of conditions such as woodland planting were not considered or understood by the Department.

The ES would have been required to have been accompanied by £10,496 fee; payable to the Department, on top of the £9315 required by the Department for the planning application (calculated at the [2012] rate of £1863 per 0.5 hectare or part thereof). A 2.5 hectare extension to the existing 20 hectare limestone quarry could have cost the best part of £20K in planning application fees alone!

**For further information, please contact Gareth McCallion at Quarryplan.**